

- (i) A non-purchasing family residing in a project subject to a homeownership program (under 24 CFR 248.173); or
- (ii) A family displaced because of mortgage prepayment or voluntary termination of a mortgage insurance contract (as provided in 24 CFR 248.165);
- (4) A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term; and
- (5) A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

§ 982.204 Waiting list: Administration of waiting list.

(a) *Admission from waiting list.* Except for special admissions, participants must be selected from the HA waiting list. The HA must select participants from the waiting list in accordance with admission policies in the HA administrative plan.

(b) *Organization of waiting list.* The HA must maintain information that permits the HA to select participants from the waiting list in accordance with the HA admission policies. The waiting list must contain the following information for each applicant listed:

- (1) Applicant name;
- (2) Family unit size (number of bedrooms for which family qualifies under HA occupancy standards);
- (3) Date and time of application;
- (4) Qualification for federal preference;
- (5) Qualification for any ranking preference or local preference; and
- (6) Racial or ethnic designation of the head of household.

(c) *Removing applicant names from the waiting list.* (1) The HA administrative plan must state HA policy on when applicant names may be removed from the waiting list. The policy may provide that the HA will remove names of applicants who do not respond to HA requests for information or updates.

(2) An HA decision to withdraw from the waiting list the name of an applicant family that includes a person with disabilities is subject to reasonable accommodation in accordance with 24 CFR part 8. If the applicant did not respond to the HA request for information or updates because of the family member's disability, the HA must rein-

state the applicant in the family's former position on the waiting list.

(d) *Family size.* (1) The order of admission from the waiting list may not be based on family size, or on the family unit size for which the family qualifies under the HA occupancy policy.

(2) If the HA does not have sufficient funds to subsidize the family unit size of the family at the top of the waiting list, the HA may not skip the top family to admit an applicant with a smaller family unit size. Instead, the family at the top of the waiting list will be admitted when sufficient funds are available.

(e) *Funding for specified category of waiting list families.* When HUD awards an HA program funding for a specified category of families on the waiting list, the HA must select applicant families in the specified category.

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[59 FR 36682, July 18, 1994, as amended at 60 FR 34717, July 3, 1995; 63 FR 23860, Apr. 30, 1998]

§ 982.205 Waiting list: Different programs.

(a) *Tenant-based programs: Number of waiting lists.* (1) An HA must use a single waiting list for admissions to its tenant-based certificate and voucher programs. The HA may use a separate waiting list for such admissions for an area not smaller than a county or municipality.

(2) An HA must use the same waiting list for admission to its tenant-based certificate and voucher programs.

(b) *Merger and cross-listing—(1) Merged waiting list.* An HA may merge the waiting list for tenant-based assistance with the HA waiting list for admission to another assisted housing program, including a federal or local program. In admission from the merged waiting list, admission for each federal program is subject to federal regulations and requirements for the particular program.

(2) *Non-merged waiting list: Cross-listing.* If the HA decides not to merge the waiting list for tenant-based assistance with the waiting list for the HA's public or Indian housing program, project-based certificate program or moderate rehabilitation program:

(i) If the HA's waiting list for tenant-based assistance is open when an applicant is placed on the waiting list for the HA's public or Indian housing program, project-based certificate program or moderate rehabilitation program, the HA must offer to place the applicant on its waiting list for tenant-based assistance.

(ii) If the HA's waiting list for its public or Indian housing program, project-based certificate program or moderate rehabilitation program is open when an applicant is placed on the waiting list for its tenant-based program, and if the other program includes units suitable for the applicant, the HA must offer to place the applicant on its waiting list for the other program.

(c) *Other housing assistance: Effect of application for, receipt or refusal.* (1) For purposes of this section, "other housing assistance" means a federal, State or local housing subsidy, as determined by HUD, including public or Indian housing.

(2) The HA may not take any of the following actions because an applicant has applied for, received, or refused other housing assistance:

(i) Refuse to list the applicant on the HA waiting list for tenant-based assistance;

(ii) Deny any admission preference for which the applicant is currently qualified;

(iii) Change the applicant's place on the waiting list based on preference, date and time of application, or other factors affecting selection under the HA selection policy; or

(iv) Remove the applicant from the waiting list.

(3) Notwithstanding paragraph (c)(2) of this section, the HA may remove the applicant from the waiting list for tenant-based assistance if the HA has offered the applicant assistance under both the certificate program and the voucher program.

[59 FR 36682, July 18, 1994, as amended at 61 FR 27163, May 30, 1996; 63 FR 23860, Apr. 30, 1998]

§ 982.206 Waiting list: Opening and closing; public notice.

(a) *Public notice.* (1) When the HA opens a waiting list, the HA must give

public notice that families may apply for tenant-based assistance. The public notice must state where and when to apply.

(2) The HA must give the public notice by publication in a local newspaper of general circulation, and also by minority media and other suitable means. The notice must comply with HUD fair housing requirements.

(3) The public notice must state any limitations on who may apply for available slots in the program.

(b) *Criteria defining what families may apply.* (1) The HA may adopt criteria defining what families may apply for assistance under a public notice.

(2) If the waiting list is open, the HA must accept applications from families for whom the list is open unless there is good cause for not accepting the applications (such as a denial of assistance because of action or inaction by members of the family) for the grounds stated in § 982.552.

(c) *Closing waiting list.* (1) If the HA determines that the existing waiting list contains an adequate pool for use of available program funding, the HA may stop accepting new applications, or may accept only applications meeting criteria adopted by the HA.

(2) Even if the HA is not otherwise accepting additional applications, the HA must accept applications from applicants who claim a federal preference unless the HA determines that the waiting list already contains an adequate pool of applicants who are likely to qualify for a federal preference.

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§ 982.207 Waiting list: Use of preferences.

(a) The HA must use the following to select among applicants on the waiting list with the same preference status:

(1) Date and time of application; or

(2) A drawing or other random choice technique.

(b)(1) The method for selecting applicants from preference categories must